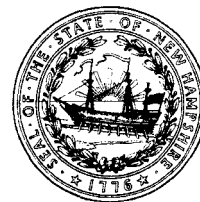




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

Edward Shields
PO Box 1022
Mechanicsville, VA 23111-1022

Re: LFOD Corporation Property,
877 Route 3, Holderness, NH
UST #0115651

ADMINISTRATIVE ORDER
No. WMD 05-02

June 22, 2005

A. INTRODUCTION

This Administrative Order is issued by the Department of Environmental Services, Waste Management Division to Edward Shields pursuant to RSA 146-C. This Administrative Order is effective upon issuance.

B. PARTIES

1. The Department of Environmental Services, Waste Management Division ("DES"), is a duly constituted administrative agency of the State of New Hampshire, having its principal office at 29 Hazen Drive, Concord, NH 03301.
2. Edward Shields is an individual having a mailing address of PO Box 1022, Mechanicsville, VA 23111-1022.

C. STATEMENTS OF FACTS AND LAW

1. RSA 146-C authorizes the Department of Environmental Services ("DES") to regulate the installation, maintenance, operation, and closure of underground storage facilities. Pursuant to RSA 146-C:9, the Commissioner of DES has adopted New Hampshire Administrative Rules Env-Wm 1401 to set forth the requirements for underground storage facilities by "establishing criteria for registration and permitting, and standards for design, installation, operation, maintenance, and monitoring of such facilities."
2. Edward Shields is the owner of land at 877 Route 3, Holderness, NH, more particularly described in a deed recorded in the Grafton County Registry of Deeds at Book 1719, Page 418, and identified on Holderness Tax Map 101 as Lot 30 ("the Property").
3. Edward Shields is the registered facility owner of two underground storage tanks ("UST") at the LFOD Corporation property facility ("the Facility"), further identified as UST #0115651, located at the Property.
4. The UST systems are subject to the requirements of RSA 146-C and Env-Wm 1401.

5. On July 7, 2004, a letter was sent to you requesting you to register the UST systems and to close the UST systems within 30-days of registration, in a manner consistent with the requirements of Env-Wm 1401.
6. On July 26, 2004, a completed registration form was received by the Division.
7. A closure report documenting the closure of the two USTs at the Facility has not been received by the Division.
8. In accordance with Env-Wm 1401.18(d), when an existing, previously unknown, underground storage tank system which is subject to Env-Wm 1401 is discovered, the owner shall register the facility in accordance with Env-Wm 1401.04, and within 60 days from registration, close the tank system in accordance with Env-Wm 1401.18.

D. DETERMINATION OF VIOLATIONS

1. Edward Shields has violated Env-Wm 1401.18(d) by failing to close the two UST systems at the Facility, within 60 days of registration, in a manner consistent with Env-Wm 1401.18.

E. ORDER

Based on the above findings, DES hereby orders Edward Shields as follows:

1. Within 30 days of the date of this Order, the two UST systems must be permanently closed in accordance with Env-Wm 1401.18.
2. A closure report must be submitted to the Division within 30 days of the date the soil samples were taken to determine the presence of any contamination.
3. Send correspondence, data, reports, and other submissions made in connection with this Administrative Order, **other than appeals**, to DES as follows:

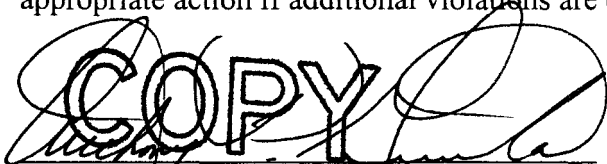
Lynn A. Woodard, P.E., Supervisor, Oil Compliance Section
DES Waste Management Division
P.O. Box 95
Concord, NH 03302-0095
Fax: (603) 271-2181
e-mail: lwoodard@des.state.nh.us

F. APPEAL

Any person aggrieved by this Order may appeal the Order to the Waste Management Council by filing an appeal that meets the requirements specified in Env-WMC 200 within 30 days of the date of this Order. Copies of the rule are available from the DES Public Information Center at (603) 271-2975 or at <http://www.des.state.nh.us/desadmin.htm>. Appealing the Order does not automatically relieve Edward Shields of the obligation to comply with the Order.

G. OTHER PROVISIONS

Please note that RSA 146-C:10 provides for administrative fines and civil penalties, for the violations noted in this Order, as well as for failing to comply with the Order itself. DES will continue to monitor Edward Shields' compliance with applicable requirements and will take appropriate action if additional violations are discovered.

A large, stylized handwritten signature in black ink, appearing to read 'Giunta', is written over the word 'COPY'.

Anthony P. Giunta, P.G., Director
Waste Management Division

A large, stylized handwritten signature in black ink, appearing to read 'Nolin', is written over the word 'COPY'.

Michael P. Nolin, Commissioner
Department of Environmental Services

Certified Mail/RRR: 7000 1670 0000 0585 4393

cc: Gretchen R. Hamel, Legal Unit Administrator ✓
Jennifer J. Patterson, Sr. Asst. Attorney General, NHDOJ/EPB
James Martin, DES Public Information Officer
Town of Holderness Health Officer
Lynn A. Woodard, P.E., WMD UST Supervisor
Thomas R. Beaulieu, WMD UST Chief
Tammy Calligandes, WMD
Kent Smith, P.O. Box 9111, Ashland, NH 03217-0911